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Selectmen's report, 10/15/03 Special TM

REPORT OF BOARD OF SELECTMEN

SPECIAL TOWN MEETING

OCT. 15, 2003

The Board of Selectmen is pleased to present its recommended final votes and comments for the Special Town Meeting on October 15, 2003. The Board commends these votes to you for the Town Meeting's consideration.

ARTICLE 1 REPORTS OF COMMITTEES

To receive, hear, and act upon the reports of the Board of Selectmen, Finance Committee, Redevelopment Board, and other committees, commissions, and boards heretofore appointed, including, without limitation: Permanent Town Building Committee (April 23, 1969), Vision 2020 Standing Committee (June 8, 1992), School Facilities "Working Group" (May 4, 1994), Bylaw Recodification Study Committee (May 9, 1994), Telecommunications Committee (June 18, 1997), Noise Abatement Study Committee (May 11, 1998), Affordable Housing Task Force (May 3, 1999), Zoning Bylaw Review Committee (May 12, 1999), Uncle Sam Committee (May 17, 1999), Fields and Playgrounds Task Force (May 19, 1999), Maintenance Study Committee (May 1, 2000), Alewife Brook Advisory Committee (May 15, 2000), Newsracks Study Committee (May 9, 2001), Community Preservation Act Study Committee (May 21, 2001), Symmes Advisory Committee (May 21, 2001), Power Company Feasibility Committee (May 6, 2002), and Community-Based Health Insurance Study Committee (April 30, 2003), or take any action related thereto.

(Inserted at the request of the Town Moderator)

ARTICLE 2: TOWN MANAGER ACT/RESIDENCY REQUIREMENT

To see if the Town will vote to authorize and request that the Board of Selectmen file a Home-Rule Petition with the legislature to amend the Town Manager Act so as to remove the residency requirement for an individual to qualify for appointment as Town Manager, to alter the term of appointment or the manner of filling vacancies for said office including, without limitation, the filling of vacancies due to the expiration of a term of appointment or otherwise, or to amend any provision relating to the appointment, removal or compensation of the Town Manager, or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That the Town does hereby authorize and request that the Board of Selectmen file a Home Rule Petition with the legislature which will provide essentially as follows:

**"AN ACT DELETING THE RESIDENCY REQUIREMENT
 AS A QUALIFICATION FOR APPOINTMENT OF A TOWN
 MANAGER IN THE TOWN OF ARLINGTON**

Section (1) That Chapter 503 of the Acts of 1952 A Town Manager Act for the Town of Arlington as amended be and hereby is further amended by deleting the following sentence in Section 11 thereof

'He shall be a resident of the Town during his term of office.'

Section (2) This Act shall take effect upon passage."

Mrs. Mahon voted in the negative (4-1)

COMMENT: The Board recognizes that the requirement of Town residency for the Town Manager was the subject of recent warrant article at the last Annual Town Meeting, at which the Town Meeting elected to keep this requirement. The matter was thoroughly discussed and arguments on both sides were heard. Town Meeting members could reasonably ask why the Board has chosen to bring this matter before Town Meeting again after such a short period of time. The majority of the Board is of the view that much has changed since the last Town Meeting. As the Town Meeting members know, the Board is in the process of soliciting candidates for a new Town Manager, who must take office no later than January 28, 2004. In furtherance of this process the Board has hired a consultant to assist it in soliciting and considering the qualifications for applicants for the job. Although there have been a considerable number of applications received, the consultant has advised that the number of qualified applicants has thus far proven not to be as high as was expected.

Following a number of calls to qualified regional candidates, most chose not to submit an application citing the residency requirement as an impediment. In point of fact, when the Selectmen elected to call a Special Town Meeting to address this issue, the number of applications increased. The basic reason why the Board now feels that the residency requirement should be removed is that by failing to do so the Town runs the risk of having a Town Manager appointed who is not the best possible candidate. In the long run, the lack of a residency requirement will benefit the Town as it seeks to hire and retain qualified managers into the future.

The Town Meeting has heard the arguments in favor of removal of the residency requirement. Experienced and professional municipal executives, quite like other people, are reluctant to uproot their families whose children are in school systems to which they have become accustomed. The cost of buying a residence in Arlington is beyond the means of some young and promising candidates. With the advances in communication technology one of the original reasons for having the Town Manager live in Arlington has been reduced. The Board sees the residency requirement as somewhat of a vestige of a time when travel and communication were less sophisticated. Other than the office of Town Counsel, the Town Manager's position is the only Town position which has a residency requirement.

A survey of most surrounding towns reveals that either there are no such requirements or those who may have had them have removed them. Our neighboring Town of Concord is an example of the latter.

The Town Meeting should clearly understand that the Board will strongly urge the next Town Manager to move to Arlington. The Board recognizes the obvious advantages of having he or she do so. However, it strongly believes that keeping the residency requirement will deprive the Town of its best possible candidate to be the chief executive responsible for the day-to-day operation of the Town government and thus adversely impact the quality of life of its citizens. The Board believes that the Town of Arlington deserves no less than the best candidate available. The Board respectfully urges an affirmative vote.

ARTICLE 3: AUTHORIZE ADDITIONAL REAL ESTATE EXEMPTION

To see if the Town will vote to amend the vote under Article 32 of the 1994 Town Meeting so as to increase the real estate tax exemption available under certain provisions of Section 5 of Chapter 59 of the General Laws, to accept any permissive legislation necessary to do so, to determine the source of funding such increased exemptions including, without limitation, the making of transfers from the overlay reserve surplus, or take any action related thereto.

(Inserted at the request of the Board of Assessors)

VOTED: That the Town grants additional exemptions of 20 percent to taxpayers qualified for exemptions under Massachusetts General Laws Chapter 59 Section 5 for those clauses of Section 5 currently utilized and accepted by the Town in accordance with Chapter 73 Section 4 as amended by Chapter 126 of the Acts of 1988 or any other applicable legislation for fiscal year 2004. (5-0)

COMMENT: This Article was inserted by the Board of Selectmen as a courtesy to the Board of Assessors. An affirmative vote would provide for a modest increase in the amount of real estate tax exemptions for those individuals currently qualified for them. These individuals include the elderly, handicapped and certain veterans and the families of police and firefighters killed in the line of duty. Many of these individuals are on fixed incomes and have seen their taxes rise dramatically in recent years due to the school renovation projects. Unless this vote is made at this time, these increased exemptions would not be available until fiscal 2005. The Board of Selectmen will provide more information on this matter.

Source: Office of the Board of Selectmen